

REMARKS

This reply responds to the Office Action mailed on 6 May 2009.

No claims are amended, no claims are canceled, and claims are added; as a result, claims 1-45 are now pending in this application. Applicant respectfully requests reconsideration of the above-identified application in view of the remarks that follow.

Comments

Applicant does not agree with one or more comments in the instant Office Action. For example, the statements in the Response to Arguments section of the Office Action are directed to sections of the claims previously amended. These statements related to a second set and a third set of instructions being loaded before being executed. Applicant notes that claim 1 recites “replacing the unresolved reference with an address of a third set of instructions without loading the third set of instructions into the execution unit and without loading the second set of instructions into the execution unit when loading the first set of instructions.” This feature of claim 1 does not limit claim 1 to a method that does not load the second set and third set of instructions and then executes the second set and third set of instructions, as apparently alleged in the Office Action. As can be seen from reviewing claim 1 as a whole, the section of claim 1 referenced in the response to arguments section relates to “replacing the unresolved reference . . . when loading the first set of instructions,” which is supported in the specification. See the specification at page 6, lines 5-7 and at page 6, lines 12-23. See, also Figure 1. Further, see the specification at page 14, lines 1-8 in which a reference to a loader unit is stored, during replacement of an unresolved reference, for use at runtime. Applicant also has limited herein the discussion of the Office Action rejections to such discussion as is necessary to efficiently expedite the prosecution of the abovementioned application. Applicant reserves the right to further address the comments of the Examiner at a later date if necessary.

Specification Objections

The previously filed amendments to the claims were objected to under 35 U.S.C. 132(a) because the amendments allegedly introduce new matter. Applicant traverses these grounds of rejection of these claims.

The previously filed amendment to claim 1 recited “without loading the third set of instructions into the execution unit and without loading the second set of instructions into the execution unit when loading the first set of instructions.” The specification at page 6, lines 5-7, as originally filed, recites “[a]ccording to embodiments of the invention, when an application program is launched, the computer system 100 loads only the object module that is currently needed for program execution.” Further, the specification at page 6, lines 12-23, as originally filed, recites:

Now turning to the six stages, during stage one, the loader unit 104 fetches an executable object module 102A, which is part of an application program. The executable object module 102A includes an unresolved reference to another object module (shown as unresolved OM reference 110). The unresolved object module reference 110 can be a call to a function that resides in the object module 108.

During stage two, the loader unit 104 replaces the unresolved object module reference 110 with a loader reference 112, which is a reference to instructions within the loader unit 104. Replacing the unresolved object module reference 110 with the loader reference 112 allows the loader unit 104 to resolve the unresolved object module reference and load the object module 108 at runtime. Thus, the computer system 100 postpones overhead associated with resolving references and loading object modules until runtime.

See, also Figure 1. Further, see the specification at page 14, lines 1-8 in which a reference to a loader unit is stored, during replacement of an unresolved reference, for use at runtime. Clearly, the specification supports “loading the first set of instructions,” “without loading the third set of instructions into the execution unit and without loading the second set of instructions into the execution unit.”

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the objection to the specification, and the passing of the pending claims to issue.

First § 112 Rejection of the Claims

Claims 1-45 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate

description or enablement. Applicant traverses these grounds of rejection of these claims.

Applicant notes that an Examiner analyzes claim limitations in a manner in which a claim is given its broadest reasonable interpretation consistent with the specification. However, Applicant notes that limitations cannot be read into a claim and that a claim must be taken as a whole during examination of the claim.

As noted above, the element at issue with respect to claim 1, “without loading the third set of instructions into the execution unit and without loading the second set of instructions into the execution unit when loading the first set of instructions,” (*underlining added*) as recited in claim 1, is adequately described in the specification including, for example, page 6, lines 5-7, page 6, lines 12-23, Figure 1, page 14, lines 1-8, and the specification as a whole. In addition, these sections of the specification provide enablement for those skilled in the art upon studying Applicant’s disclosure. Further, claims 2-45 also recite the functionality or capability of loading the first set of instructions without loading a third set of instructions into the execution unit and without loading a second set of instructions into the execution unit when loading the first set of instructions.

Applicant submits that claims 1-45 satisfy 35 U.S.C. § 112, first paragraph.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1-45, and the passing of these claims to issue.

Second § 112 Rejection of the Claims

Claims 1-45 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant traverses these grounds of rejection of these claims.

In the Office Action, it is stated that “[i]nstructions must be loaded into the execution unit to be executed.” This statement from the Office Action either adds limitations not recited in claim 1 or does not consider claim 1 as a whole. In part, claim 1 recites “replacing the unresolved reference with an address of a third set of instructions without loading the third set of instructions into the execution unit and without loading the second set of instructions into the execution unit when loading the first set of instructions.¹” (*underlining added*). This element does not limit the method of claim 1 to executing the second set of instructions and executing the third set of instructions without loading the second set of instructions and executing the third set

of instructions, as alleged in the Office Action. Therefore, claim one is not indefinite, as proffered in the Office Action. In addition, claims 2-45 also recite the functionality or capability of loading the first set of instructions without loading a third set of instructions into the execution unit and without loading a second set of instructions into the execution unit when loading the first set of instructions.

Applicant submits that claims 1-45 satisfy 35 U.S.C. § 112, second paragraph.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1-45, and the passing of these claims to issue.

§ 102 Rejection of the Claims

Claims 1, 2, 4-8, 17, 21, 22, 24-26, 30, 31, 33-37, and 39 were rejected under 35 U.S.C. § 102(b) as being anticipated by Szoke (U.S. 4,787,034). Applicant traverses these grounds of rejection of these claims.

Applicant cannot find in Szoke a disclosure or a suggestion of a method comprised of the elements of claim 1 interrelated as recited in claim 1, taken as a whole. For example, Applicant cannot find in Szoke a disclosure or a suggestion of a method that includes “loading a first set of instructions into an execution unit . . . replacing the unresolved reference . . . without loading the third set of instructions into the execution unit and without loading the second set of instructions into the execution unit when loading the first set of instructions, as recited in claim 1. In the Office Action, it is stated that “Szoke discloses . . . loading a first set . . . **program P11** . . . third set (‘**branch statement 122 causes a branch to linkage program** . . .’’ Program P11 and branch statement 122 are included in Szoke’s load module **LM-1** and are loaded when load module **LM-1** is loaded, which does not disclose or suggest “replacing the unresolved reference with an address of a third set of instructions without loading the third set of instructions into the execution unit and without loading the second set of instructions into the execution unit when loading the first set of instructions,” as recited in claim 1.

Therefore, Applicant respectfully submits that Szoke does not teach each and every claim element of claim 1, that Szoke does not teach the identical invention in as complete detail as is contained in claim 1, and/or that Szoke does not teach each and every claim element arranged as in claim 1. Thus, Applicant submits that claim 1 is patentable over Szoke. For at least reasons

similar to those stated with respect to claim 1, Applicant submits that claim 30 is patentable over Szoke.

Applicant cannot find in Szoke a disclosure or a suggestion of a method that includes loading an executable object module, wherein the loading includes replacing an unresolved reference with a reference to a system module without loading instructions of the system module as recited in claim 7. As shown in Szoke's Figure 1, referenced in the Office Action, and discussed at column 2, lines 53-62, Szoke's load module **LM-1** includes conventional programs **P11** and **P12** and program structure **110**. As shown in Szoke's Figure 1, program structure **LM-1** includes linkage program **130**, which indicates that Szoke' load module **LM-1** includes linkage program **130** and therefore linkage program is not separate from load module **LM-1**. In contrast, claims 7 recites that reference to a system module is placed in the executable object module without including instructions of the system module, where the system is used for loading compiled object modules that are separate from the executable object module, that is, the linking instructions that load the separately compiled object module when executing executable object module are separate from executable object module.

Therefore, Applicant respectfully submits that Szoke does not teach each and every claim element of claim 7, that Szoke does not teach the identical invention in as complete detail as is contained in claim 7, and/or that Szoke does not teach each and every claim element arranged as in claim 7. Thus, Applicant submits that claim 7 is patentable over Szoke. For at least reasons similar to those stated with respect to claim 7, Applicant submits that claim 36 is patentable over Szoke.

Applicant cannot find in Szoke a disclosure or a suggestion of an apparatus that includes a loader unit to find an executable object module in a storage unit and present the executable object module to an execution unit, where the loader unit is configured to replace the unresolved reference with a reference to a system module without loading instructions of the system module with the system module separate from the executable object module and the loader unit separate from the executable object module, as recited in claim 17. As shown in Szoke's Figure 1, referenced in the Office Action, and discussed at column 2, lines 53-62, Szoke's load module **LM-1** includes conventional programs **P11** and **P12** and program structure **110**. As shown in Szoke's Figure 1, program structure **110** includes linkage program **130**, which indicates that

Szoke' load module **LM-1** includes linkage program **130** and therefore linkage program is not separate from load module **LM-1**.

Therefore, Applicant respectfully submits that Szoke does not teach each and every claim element of claim 17, that Szoke does not teach the identical invention in as complete detail as is contained in claim 17, and/or that Szoke does not teach each and every claim element arranged as in claim 17. Thus, Applicant submits that claim 17 is patentable over Szoke.

Applicant cannot find in Szoke a disclosure or a suggestion of an apparatus that includes a loader unit to load a first set of instructions into a memory unit, wherein the first set of instructions includes an unresolved reference to a second set of instructions, the loader unit to replace the unresolved reference with an address of a third set of instructions without the third set of instructions, the first set of instructions being different from the second set of instructions and the third set of instructions such that the loader unit is operable to load the first set of instructions without loading the third set of instructions and without loading the second set of instructions when loading the first set of instructions, as recited in claim 21.

Therefore, Applicant respectfully submits that Szoke does not teach each and every claim element of claim 21, that Szoke does not teach the identical invention in as complete detail as is contained in claim 21, and/or that Szoke does not teach each and every claim element arranged as in claim 21. Thus, Applicant submits that claim 21 is patentable over Szoke.

Applicant cannot find in Szoke a disclosure or a suggestion of an apparatus that includes a loader unit to present an executable object module for execution, wherein the loader unit is configured to replace a symbolic reference with an address to a system module to link the executable object module and the separately compiled object module such that instructions of the loader unit are separate from the executable object module and the separately compiled object module, as recited in claim 26. As noted in the discussion with respect to claim 1, as shown in Szoke's Figure 1, referenced in the Office Action, and discussed at column 2, lines 53-62, Szoke's load module **LM-1** includes conventional programs **P11** and **P12** and program structure **110**. As shown in Szoke's Figure 1, program structure **110** includes linkage program **130**, which indicates that Szoke' load module **LM-1** includes linkage program **130** and therefore linkage program is not separate from load module **LM-1**.

Therefore, Applicant respectfully submits that Szoke does not teach each and every claim

element of claim 26, that Szoke does not teach the identical invention in as complete detail as is contained in claim 26, and/or that Szoke does not teach each and every claim element arranged as in claim 26. Thus, Applicant submits that claim 26 is patentable over Szoke.

Claims 2 and 4-6, claim 8, claims 22, 24, and 25, claims 31 and 33-35, and claims 37 and 39 depend from independent claims 1, 7, 21, 30, and 36, respectively. Applicant submits that claims 2, 4-6, 8, 22, 24, 25, 31, 33-35, 37, and 39 are patentable over Szoke for at least the reasons stated above with respect to claims 1, 7, 21, 30, and 36. Further, in view of the additional features of each of these dependent claims, Applicant respectfully submits that these claims may be allowable for one or more reasons in addition to and/or in alternative to those reasons identified above.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 2, 4-8, 17, 21, 22, 24-26, 30, 31, 33-37, and 39, and the passing of these claims to issue.

First § 103 Rejection of the Claims

Claims 9, 14, and 43 were rejected under 35 U.S.C. § 103(a) as being obvious over Szoke. Applicant traverses these grounds of rejection of these claims.

Applicant cannot find in Szoke a disclosure or a suggestion of a method that includes replacing, in a executable object module, symbolic references with addresses to a loader subroutine without instructions of the loader subroutine in the executable object module, as recited in claim 12. Szoke relates to a method in which a first load module may include call programs to call programs in a second load module. As shown in Szoke's Figure 1, referenced in the Office Action, and discussed at column 2, lines 53-62, Szoke's load module **LM-1** includes conventional programs **P11** and **P12** and program structure **110**. As shown in Szoke's Figure 1, program structure **110** includes linkage program **130**, which indicates that Szoke' load module **LM-1** includes linkage program **130**. In contrast, claim 12 recites that the linking instructions are in a loader subroutine separate from the executable object module where the method of claim 12 includes replacing symbolic references with addresses to the loader subroutine that is not included in the executable object module.

Therefore, Applicant submits that Szoke does not teach all the elements of claim 12.

Thus, Applicant submits that independent claim 12 is patentable over Szoke in view of Sexton. For at least reasons similar to those stated above with respect to the independent claim 12, Applicant submits that claim 41 is patentable over Szoke. Further, in view of the features of this independent claim, Applicant respectfully submits that this claim may be allowable for one or more reasons in addition to and/or in alternative to those reasons identified above.

Claim 9, claim 14, and claim 43 depend from independent claims 7, 12, and 41, respectively. Applicant submits that claims 9, 14, and 43 are patentable over Szoke for at least the reasons stated above with respect to claims 7, 12, and 41. Further, in view of the additional features of each of these dependent claims, Applicant respectfully submits that these claims may be allowable for one or more reasons in addition to and/or in alternative to those reasons identified above.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 9, 14, and 43, and the passing of these claims to issue.

Second § 103 Rejection of the Claims

Claims 3, 11, 13, 19, 23, 28, 32, 40, and 42 were rejected under 35 U.S.C. § 103(a) as being obvious over Szoke, in view of “Apple Developer Connection” (Apple Computer Inc., 2001). Applicant traverses these grounds of rejection of these claims.

Applicant submits that combining “Apple Developer Connection” with Szoke, as proffered in the Office Action, does not cure the deficiencies of citing Szoke with respect to the independent claims of the instant application. Therefore, Applicant submits that independent claims 1, 7, 12, 17, 21, 26, 30, 36, and 41 are patentable over Szoke in view of “Apple Developer Connection.” Claim 3, claim 11, claim 13, claim 19, claim 23, claim 28, claim 32, claim 40, and claim 42 depend from independent claims 1, 7, 12, 17, 21, 26, 30, 36, and 41, respectively. Applicant submits that claims 3, 11, 13, 19, 23, 28, 32, 40, and 42 are patentable over Szoke in view of “Apple Developer Connection” for at least the reasons stated above with respect to the independent claims of the instant application. Further, in view of the additional features of each of these dependent claims, Applicant respectfully submits that these claims may be allowable for one or more reasons in addition to and/or in alternative to those reasons identified above.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal

of the rejection of claims 3, 11, 13, 19, 23, 28, 32, 40, and 42, and the passing of these claims to issue.

Third § 103 Rejection of the Claims

Claims 10, 18, 20, 27, and 29 were rejected under 35 U.S.C. § 103(a) as being obvious over Szoke, in view of Tatge et al. (U.S. 5,293,630; hereinafter “Tatge”). Applicant traverses these grounds of rejection of these claims.

Applicant submits that combining Tatge with Szoke, as proffered in the Office Action, does not cure the deficiencies of citing Szoke with respect to independent claims 7, 17, and 26. Therefore, Applicant submits that independent claims 7, 17, and 26 are patentable over Szoke in view of Tatge. Claim 10, claims 18 and 20, and claims 27 and 29 depend from independent claims 7, 17, and 26, respectively. Applicant submits that claims 10, 18, 20, 27, and 29 are patentable over Szoke in view of Tatge for at least the reasons stated above with respect to independent claims 7, 17, and 26. Further, in view of the additional features of each of these dependent claims, Applicant respectfully submits that these claims may be allowable for one or more reasons in addition to and/or in alternative to those reasons identified above.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 10, 18, 20, 27, and 29, and the passing of these claims to issue.

Fourth § 103 Rejection of the Claims

Claims 12, 15, 16, 41, 44, and 45 were rejected under 35 U.S.C. § 103(a) as being obvious over Szoke, in view of Sexton et al. (U.S. 6,434,685; hereinafter “Sexton”). Applicant traverses these grounds of rejection of these claims.

Applicant cannot find in the combination of Szoke and Sexton, as proffered in the Office Action, a disclosure or a suggestion of a method that includes replacing, in a executable object module, symbolic references with addresses to a loader subroutine without instructions of the loader subroutine in the executable object module, as recited in claim 12. Szoke relates to a method in which a first load module may include call programs to call programs in a second load module. As shown in Szoke’s Figure 1, referenced in the Office Action, and discussed at column 2, lines 53-62, Szoke’s load module LM-1 includes conventional programs P11 and P12

and program structure 110. As shown in Szoke's Figure 1, program structure 110 includes linkage program 130, which indicates that Szoke' load module LM-1 includes linkage program 130. In contrast, claim 12 recites that the linking instructions are in a loader subroutine separate from the executable object module where the method of claim 12 includes replacing symbolic references with addresses to the loader subroutine that is not included in the executable object module. Further, the combination of Szoke and Sexton also does not disclose or suggest the abovementioned features of claim 12. Therefore, Applicant submits that Szoke in view of Sexton does not teach all the elements of claim 12. Thus, Applicant submits that independent claim 12 is patentable over Szoke in view of Sexton.

For at least reasons similar to those discussed above with respect to claim 12, Applicant submits that claim 41 is patentable over Szoke in view of Sexton. Claims 12, 15, and 16 and claims 44 and 45 depend from independent claims 12 and 41, respectively. Applicant submits that claims 15, 16, 44, and 45 are patentable over Szoke in view of Sexton for at least the reasons stated above with respect to independent claims 12 and 41. Further, in view of the additional features of each of these dependent claims, Applicant respectfully submits that these claims may be allowable for one or more reasons in addition to and/or in alternative to those reasons identified above.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 12, 15, 16, 41, 44, and 45, and the passing of these claims to issue.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 371-2157 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(612) 371-2157

Date 6 August 2009

By 

David R. Cochran
Reg. No. 46,632

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 6th day of August, 2009.

Name Ryan Saunders

Signature 